

104TH CONGRESS
2D SESSION

S. 1571

To provide for the exchange of certain lands within the State of Montana,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1996

Mr. BURNS introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To provide for the exchange of certain lands within the
State of Montana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lost Creek Land Ex-
5 change Act of 1996”.

6 **SEC. 2. LAND EXCHANGE.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, the Secretary of Agriculture (referred to in
9 this Act as the “Secretary”) shall acquire by exchange cer-
10 tain land and interests in land owned by R–Y Timber,

1 Inc., its successors and assigns or affiliates (referred to
2 in this Act as “R–Y”), located in the Lost Creek area and
3 other areas of the Deerlodge National Forest, Montana.

4 (b) OFFER AND ACCEPTANCE OF LAND.—

5 (1) NON-FEDERAL LAND.—If R–Y offers fee
6 title that is acceptable to the United States to ap-
7 proximately 17,567 acres of land owned by R–Y and
8 available for exchange, the Secretary shall accept a
9 warranty deed to the land.

10 (2) FEDERAL LAND.—

11 (A) CONVEYANCE.—On acceptance by the
12 Secretary of title to R–Y’s land under para-
13 graph (1), the Secretary of the Interior shall
14 convey to R–Y, subject to reservations and valid
15 existing rights—

16 (i) by patent, fee title to approxi-
17 mately 3,605 acres in the Deerlodge Na-
18 tional Forest; and

19 (ii) by timber deed, the right to har-
20 vest approximately 46,628,000 board feet
21 of timber on certain land in the Deerlodge
22 National Forest, Helena National Forest,
23 and Lewis & Clark National Forest.

24 (B) TIMBER HARVEST PROVISIONS.—

1 (i) PRACTICES.—Timber harvest prac-
2 tices used on the national forest land de-
3 scribed in subparagraph (A)(ii) shall be
4 conducted in accordance with Montana
5 Forestry Best Management Practices, the
6 Montana Streamside Zone Management
7 Law (Mont. Code Ann. sec. 77–5–301 et
8 seq.), and all other applicable laws of the
9 State of Montana.

10 (ii) RELATION TO PLANNED SALES.—
11 The timber harvest volume described in
12 subparagraph (A)(ii) shall be in addition
13 to, and not treated in any way as an offset
14 against, the present or future planned tim-
15 ber sale quantities for the Deerlodge Na-
16 tional Forest, Helena National Forest, and
17 Lewis & Clark National Forest.

18 (iii) TIMBER DESIGNATIONS.—

19 (I) CONTRACT.—To ensure the
20 expeditious and efficient designation
21 of the timber described in subpara-
22 graph (A)(ii), the Forest Service shall
23 contract with a qualified private per-
24 son agreed on by the Secretary and

1 R–Y to perform the field work associ-
2 ated with the designations.

3 (II) MINIMUM ANNUAL DESIGNA-
4 TIONS.—Not less than 20 percent nor
5 more than 30 percent of the timber
6 described in subparagraph (A)(ii)
7 shall be made available by the end of
8 each fiscal year over a 5-year period
9 beginning with the first fiscal year
10 that begins after the date of enact-
11 ment of this Act, and R–Y shall be al-
12 lowed at least 5 years after the end of
13 each fiscal year in which to complete
14 the harvest of timber designated in
15 that fiscal year.

16 (c) TITLE.—

17 (1) REVIEW OF TITLE.—Not later than 30 days
18 after receipt of title documents from R–Y, the Sec-
19 retary shall review the title for the non-Federal land
20 described in subsection (b) and determine whether—

21 (A) the applicable title standards for Fed-
22 eral land acquisition have been satisfied or the
23 quality of title is otherwise acceptable to the
24 Secretary;

1 (B) all draft conveyances and closing docu-
 2 ments have been received and approved; and

3 (C) a current title commitment verifying
 4 compliance with applicable title standards has
 5 been issued to the Secretary.

6 (2) UNACCEPTABLE QUALITY OF TITLE.—If the
 7 quality of title does not meet Federal standards and
 8 is not otherwise acceptable to the Secretary, the Sec-
 9 retary shall advise R–Y regarding corrective actions
 10 necessary to make an affirmative determination.

11 (3) CONVEYANCE OF TITLE.—The Secretary,
 12 acting through the Secretary of the Interior, shall
 13 effect the conveyance of land described in subsection
 14 (b) not later than 60 days after the Secretary has
 15 made an affirmative determination of quality of title.

16 **SEC. 3. GENERAL PROVISIONS.**

17 (a) MAPS AND DOCUMENTS.—

18 (1) IN GENERAL.—Maps pertaining to the land
 19 described in section 2 are subject to such minor cor-
 20 rections as may be agreed upon by the Secretary
 21 and R–Y.

22 (2) NOTIFICATION.—The Secretary shall notify
 23 the Committee on Energy and Natural Resources of
 24 the Senate and the Committee on Resources of the

1 House of Representatives of any corrections made
2 pursuant to this subsection.

3 (3) PUBLIC AVAILABILITY.—The maps and doc-
4 uments described in section 2(b) (1) and (3) shall be
5 on file and available for public inspection in the of-
6 fice of the Chief of the Forest Service.

7 (b) NATIONAL FOREST SYSTEM LAND.—All land
8 conveyed to the United States under this Act shall be
9 added to and administered as part of the Deerlodge Na-
10 tional Forest in accordance with the laws pertaining to
11 the National Forest System.

12 (c) VALUATION.—The values of the lands and inter-
13 ests in land to be exchanged under this Act are deemed
14 to be of approximately equal value.

15 (d) HAZARDOUS MATERIAL LIABILITY.—The United
16 States (including its departments, agencies, and employ-
17 ees) shall not be liable under the Comprehensive Environ-
18 mental Response, Compensation, and Liability Act (42
19 U.S.C. 9601 et seq.), the Clean Water Act (33 U.S.C.
20 1251 et seq.), or any other Federal, State, or local law,
21 solely as a result of the acquisition of an interest in the
22 Lost Creek Tract or due to circumstances or events occur-
23 ring before acquisition, including any release or threat of
24 release of a hazardous substance.

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